

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

| | | |
|---|---|-------------------------|
| IN RE: |) | CASE NO. 06-01571-5-ATS |
| |) | |
| Kennis Jacobs and Wendy Pettiford Jacobs |) | |
| |) | CHAPTER 13 |
| Address: 112 N. Nash Street, Hillsborough, NC 27278 |) | |
| |) | |
| Debtors. |) | |
| _____ |) | |

MOTION TO MODIFY CHAPTER 13 PLAN

Kennis Jacobs and Wendy Pettiford Jacobs, the Debtors in the above-captioned case (the "Debtors") respectfully move the Court for an order modifying their Chapter 13 Plan pursuant to 11 U.S.C. § 1329. In support of this Motion the Debtors respectfully represent:

1. The Debtors filed their voluntary petition under chapter 13 of the Bankruptcy Code on October 3, 2006.
2. The Debtors' Chapter 13 Plan was confirmed on June 12, 2007.
3. The Debtors propose to modify their Chapter 13 Plan as follows:

| | |
|-------|---|
| From: | \$420.00 per month for 2 months, followed by \$571.00 per month for a period of 55 months. |
| To: | \$11,311.00 as paid through March 16, 2009 followed by \$563 per month for a period of 28 months. |
4. The changed circumstances justifying the proposed modification are as follows: Mr. Jacobs has been laid off and is depend on unemployment.
5. The proposed modification conforms to the standards for confirmation set forth in sections 1322 and 1325 of the Bankruptcy Code.
6. The proposed modification changes the base amount of the Chapter 13 Plan in this case from \$32,245.00 to \$27,075.00. The proposed modification may adversely

affect unsecured creditors.

7. The undersigned attorney requests additional attorneys fees in the amount of \$350.00 for services in connection with this Motion, which fees are to be paid as an administrative expense through the Debtors' chapter 13 plan.

WHEREFORE, the Debtors respectfully request that the Court grant the Motion, modify their Chapter 13 Plan, approve the attorneys fees requested above, including directing that the Trustee pay such attorneys fees from the proceeds of the Chapter 13 Plan as an administrative expense, and for such other and further relief the Court may deem just and proper.

Respectfully submitted this the 17th day of March 2009.

ADAMS, PORTNOY & BERGGREN, PLLC

/s/William G. Berggren

William G. Berggren

State Bar No. 18675

Post Office Box 18306

Raleigh, NC 27619

Telephone: (919) 875-8773

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

| | | |
|---|---|-------------------------|
| IN RE: |) | CASE NO. 06-01571-5-ATS |
| |) | |
| Kennis Jacobs and Wendy Pettiford Jacobs |) | |
| |) | CHAPTER 13 |
| Address: 112 N. Nash Street, Hillsborough, NC 27278 |) | |
| |) | |
| Debtor(s). |) | |
| _____ |) | |

NOTICE OF MOTION

TO: THE Debtors, TRUSTEE, AND OTHER PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN of the "Motion To Modify Chapter 13 Plan" (the "Motion"), filed simultaneously herewith by Kennis Jacobs and Wendy Pettiford Jacobs, Debtors in the above-captioned case (the "Debtors"); and

FURTHER NOTICE IS HEREBY GIVEN that the Motion may be granted provided no response and request for a hearing is filed by a creditor or other party in interest with the Clerk of the above-captioned court and served upon Debtors' counsel within twenty (20) days of the date of this notice; and

FURTHER NOTICE IS HEREBY GIVEN that if timely written response and a request for a hearing is filed with the Clerk of the above-captioned court, and served upon Debtors' counsel, a hearing may be conducted on the Motion at a date, time and place to be set by the Court, and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and any response thereto ex parte without further notice.

DATE OF NOTICE: March 17, 2009

ADAMS, PORTNOY & BERGGREN, PLLC

/s/William G. Berggren

William G. Berggren
State Bar No. 18675
Post Office Box 18306
Raleigh, NC 27619
Telephone: (919) 875-8773

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

| | | |
|---|---|-------------------------|
| IN RE: |) | CASE NO. 06-01571-5-ATS |
| |) | |
| Kennis Jacobs and Wendy Pettiford Jacobs |) | |
| |) | CHAPTER 13 |
| Address: 112 N. Nash Street, Hillsborough, NC 27278 |) | |
| Debtor(s). |) | |
| _____ |) | |

CERTIFICATE OF SERVICE

I, William G. Berggren, of ADAMS, PORTNOY & BERGGREN, PLLC, hereby certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 17th day of March, 2009, I served the "Motion To Modify Chapter 13 Plan" (the "Motion") by causing a true and correct copy thereto to be served electronically on the parties listed below:

John F. Logan
Chapter 13 Trustee

That on the 17th day of March, 2009, I served the "Motion To Modify Chapter 13 Plan" (the "Motion") by causing a true and correct copy thereto to be mailed, first class postage pre-paid, to the parties listed below:

Kennis Jacobs
Wendy Pettiford Jacobs
112 N. Nash Street
Hillsborough, NC 27278

Bankruptcy Administrator
434 Fayetteville Street
Raleigh, NC 27601

All creditors on the attached mailing matrix

I certify under penalty of perjury that the foregoing is true and correct.

This the 17th day of March, 2009.

ADAMS, PORTNOY & BERGGREN, PLLC

/s/William G. Berggren

William G. Berggren

Absolute Coll Svc
421 Fayetteville St. Mall
Ste. 600
Raleigh, NC 27601

Citifinancial
2602 Eric Lane
Burlington, NC 27215

Providian Financial
Po Box 9180
Pleasanton, CA 94566

America Med. Collection Agency
PO Box 1235
Elmsford, NY 10523

CitiFinancial
PO Box 913
Owings Mills, MD 21117

Providian Financial
4900 Johnson Dr
Pleasanton, CA 94588

Anderson Fin Network
Po Box 3097
Bloomington, IL 61702

Credit Financial Services
PO Box 451
Durham, NC 27702

Wells Fargo
800 Walnut St.
Des Moines, IA 50309

Central Carolina Bk & Tr
Pob 931
Durham, NC 27702

Daimler Chrysler
4501 College Blvd, Ste 31
Leawood, KS 66211

Wells Fargo Financial
PO Box 5058
Sioux Falls, SD 57117-5058

Chase
PO Box 24696
Columbus, OH 43224

Daimler Chrysler LLC
PO Box 9223
Farmington, MI 48333

Wells Fargo Financial
PO Box 13460
Philadelphia, PA 19101

Chase Manhattan Mtge
3415 Vision Dr
Columbus, OH 43219

Gemb/Jcp
Po Box 984100
El Paso, TX 79998

Wells Fargo Financial Bank
32001 N. Fourth Ave.
Sioux Falls, SD 57104

Chrysler Financial
PO Box 55000
Dept 27001
Detroit, MI 48255

Hutchens Senter & Britton
PO Box 2505
Fayetteville, NC 28302

Wffinacctp
1 International Plz
Philadelphia, PA 19113

Chrysler Financial
8801 J M Keynes Dr Ste 4
Charlotte, NC 28262

Jl Walston & Associate
1530 N Gregson St
Durham, NC 27701

Wffinance
6815 Fayetteville Rd Ste
Durham, NC 27713

Citifinancial
P O Box 222178
Charlotte, NC 28222

Providian
PO Box 660487
Dallas, TX 75266